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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,780	09/20/2000	Herman Chien	1999-0804	6102
30083	7590	01/27/2004	EXAMINER	
PERKINS COIE LLP/AWS P.O. BOX 1247 SEATTLE, WA 98111-1247			NGUYEN, DUC MINH	
			ART UNIT	PAPER NUMBER
			2643	15

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,780

Applicant(s)

CHIEN, HERMAN

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-8, 10-12, 14-16, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartmaier (6,553,022).

Consider claim 1. Hartmaier teaches a network (fig. 1-2) that utilizes a modem (modem pool 210) for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234; col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Consider claims 2-4. Fig. 1-3, col. 4, ln. 54 to col. 6, ln. 10 read on the limitations of claims 2-4.

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Consider claim 6. Hartmaier teaches a network (fig. 1-2) that utilizes a modem (modem pool 210) for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234; col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Consider claims 7-8. Fig. 1-3, col. 4, ln. 54 to col. 6, ln. 10 read on the limitations of claims 7-8.

Consider claims 10-12. Hartmaier teaches a network (fig. 1-2) that utilizes a modem (modem pool 210) for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234; col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Consider claim 14. Hartmaier further teaches the user places a telephone call via a modem pool (modem pool 210 or 260; fig. 2).

Consider claims 15-16. Hartmaier teaches a network (fig. 1-2) that utilizes a modem (modem pool 210) for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234; col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Consider claim 18. The method as taught by Hartmaier is inherently performed for each of multiple users of the network who would like to access an ISP via a modem pool.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 9, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier (6,553,022) in view of Ronen (5,745,556).

Consider claims 5, 9, 13, 17. Hartmaier does not teach the network comprises a wireless network.

Ronen teaches the network comprises a wireless network (col. 10, ln. 6-29).

Therefore, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Hartmaier in view of Ronen in wireless environment in order to obtain or gain more profits by expanding the system nationwide.

Response to Arguments

5. Applicant's arguments filed 11/13/2003 have been fully considered but they are not persuasive.

Regarding the Hartmaier reference, applicant states that Hartmaier does not disclose "controlling access to which users can place outgoing phone calls and to authenticating a user as an authorized network user before such outgoing phone calls can be made, and in particular does

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not perform such authentication before allowing a telephone call for the user to be placed via a modem." In contrast to applicant's assertions, before the caller (202) in figure 2 of Hartmaier can be connected to either ISP (236 or 228), he/she has to pass the authentication process performed by the authentication platform (218, see steps 302-318 of fig. 3). If the user passed the authentication process, then the call can be made via modem (pool) (210, see steps 318-328 of fig. 3). Otherwise, the call cannot go through the modem (pool) (210, see steps 318, 330 and 328 of fig. 3). It is noted that telephone call is not limited to voice call. On pages 5-7 of applicant's specification clearly disclose that telephone call is Internet, Intranet, WAN, or LAN access. The modem preferred in the claim is the modem located at the modem pool, not the modem located at the user computer [Emphasis added]. In order for the network receiving a request from the user, the user has to initiate a call to the network using the computer modem. However, after the authentication process, the call is placed through a modem at the modem pool.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

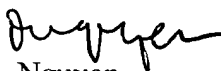
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-6000.


Duc Nguyen
Primary Examiner
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1/16/04